

Honorable Thomas O. Rice

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUN 11 2014

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

MARCO ANTONIO ZARAGOZA
SIERRA,

Petitioner,

v.

RUBI ZARAGOZA MENDOZA,

Respondent.

Civil Action No. 1:14-CV-03038

AGREED ORDER OF DISMISSAL

I. STIPULATION

1.1 The parties wish to settle this matter without the uncertainty inherent in litigation, and in order to act in the best interest of the children to the best the parents are able.

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1.2 The children have lived in Washington State continuously since August, 2010. The parties agree to dismiss this action to order the return of the children to Mexico pursuant to the Hague Convention and ICARA, 42 U.S.C. §11601 et. seq. with prejudice.

1.3 Custody matters in this case are properly resolved in Washington State Superior Courts because the children are now habitual residents of Washington State as that term is understood in the Hague Convention, and Washington is the children's home state under the Uniform Child Custody Jurisdiction Act, and because Washington State retains subject-matter jurisdiction to determine custody of the children.

1.4 The parties will enter an agreed parenting plan in Washington State Court as follows:

a. The default order Respondent obtained in April 30, 2013 will be vacated for the limited purpose of entering a modified final parenting plan and child support orders.

b. The primary residential placement of the children will be with the mother. The parties reserve any findings that there are limiting factors. The parties agree that no restraining orders will be entered in connection with the parenting plan. The mother shall allow the father to have access to all of the children's school records and medical records. The father

1 shall not be restricted from accessing information from the school in any
2 way. The mother shall keep the father informed of major decisions that
3 are made regarding the children's health and education, and shall include
4 him in the decisions where practical.

5
6 c. The father and the children will complete family therapy for the purpose
7 of being reacquainted with the children, with the father participating via
8 Skype or similar video conference platform. Therapy will start
9 immediately, or as soon as a suitable therapist is available. The parties
10 anticipate that visits will start after four family therapy sessions. If the
11 therapist does not feel the children are ready to travel to Mexico for a
12 visit after the four sessions, the therapist will prepare a report that either
13 party may file in Washington State Superior Court, and may seek a court
14 order determining whether the children may travel to Mexico for a visit.
15

16 d. The father will have visitation for up to eight weeks in the summer,
17 alternating with the mother the winter holiday, and spring break. The
18 father will bear the cost of transportation, which will be credited towards
19 his child support obligation. Additionally, the father will have two
20 weekly telephone visits with each child at pre-scheduled times, and at
21 additional times as the children desire. The father will have unrestricted
22 contact with the children via e-mail, and the two youngest children will
23

1 have e-mail accounts set up for them so they may write to their father
2 independently. Both parents will encourage the children's relationship
3 with the other parent. Neither party shall speak negatively about the
4 other parent to the children.

5
6 1.5 In order to guarantee the return of the children following their visits in
7 Mexico, the father will provide the mother with evidence of round-trip tickets. In
8 addition, the father will make a deposit in the amount of \$6,500 in the Yakima
9 County Superior Court registry, to offset the cost of recovering the children if the
10 children are not returned to Washington State in accordance with the parenting
11 plan. After three visits and return of the children without incident, the father may
12 move Yakima County Superior Court for an order rescinding this requirement.

13
14 1.6 The father will enter the Washington State custody order in a court of
15 competent jurisdiction in Mexico, in order to have the Washington State custody
16 order recognized in a foreign jurisdiction. The Washington State order must be
17 recognized by a Mexican court of competent jurisdiction prior to making any travel
18 arrangements for the children.

19
20 1.7 The mother is the sole parent authorized to apply for passports on behalf of
21 children, and the father is prohibited from applying on behalf of the children for
22 new or replacement passports, or an international travel visa.

1.8 The mother will provide to the United States Department of State's Office of Children's Issues and the Mexican Foreign Ministry, "Relaciones Exteriores" a copy of this order and a properly authenticated final parenting plan entered in Yakima County Superior Court.

1.9 If the parties are unable to resolve any custody issue, they will submit to the jurisdiction of Washington State courts. If any dispute arises pursuant to this agreement, the dispute will be resolved in Washington State Court with reference to this agreement.

1.10 A parent's violation of a valid parenting plan may result in criminal and civil penalties in federal or state court.

II. ORDER

The agreement as outlined above is accepted and adopted by the court and the Court finds that the Hague Convention and ICARA do not apply to order the return of the children. Therefore, this action is dismissed with prejudice. Any custody dispute must be resolved in Washington State Superior Court.

DATED: June 11, 2014

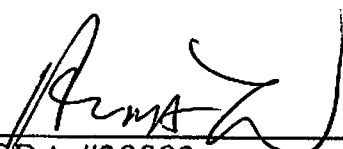

Judge Thomas O. Rice

Presented by:

NORTHWEST JUSTICE PROJECT

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Notice of presentment waived:

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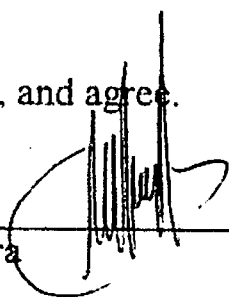
9 /S/ 

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12 I have read the above, and agree.

13
14 
15 Marco Zaragoza Sierra